

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7363 OF 2006

Mrs.Mala A. Sadani ..Petitioner.

V/s.

The Union of India & Ors. ..Respondents.

Mr.L.S.Shetty for petitioner.

Mr.A.S. Rao for respondents.

CORAM : H.L.GOKHALE AND
J.P.DEVADHAR, JJ.

DATED : 8TH DECEMBER, 2006.

P.C. :-

Heard Mr.Shetty in support of the petitioner. Mr.Rao appears for the respondents. Rule, returnable forthwith.

2. Being aggrieved by the order in original dated 30th October, 2003 passed by the adjudicating officer of the Enforcement Directorate, the petitioner has filed this petition.

3. It was the allegation of the respondents that the petitioner had not utilised the foreign exchange received for the purposes for which it was obtained. The case of the petitioner is that its establishment had shifted its address and, therefore, notice was not received of the hearing and hence nobody

was present leading to this order, which is an ex-parte order. A penalty of Rs.2.24 crores has been imposed on the petitioner by virtue of this order.

4. Mr.Rao, learned counsel appearing for the respondents has taken instructions from the concerned Directorate and fairly states that since the petitioner did not get an opportunity, the respondents will offer a fresh hearing to the petitioner. This statement is made on instructions from Mr.Rajesh Nair, Assistant Enforcement Officer.

5. In view of the statement made by Mr.Rao, we set aside the order dated 30th October, 2003. The proceedings will stand revived to the file of the adjudicating officer. The petitioner will appear before the adjudicating officer on 14th December, 2006 at 11.00 p.m. when the revived proceedings will be proceeded further and then appropriate order will be passed.

6. Rule is made absolute with no order as to costs.

(H.L.GOKHALE, J.)

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(J.P.DEVADHAR, J.)